

Bethlehem Conservation Easement Agreement Exemption Frequently Asked Questions

- What is a Conservation Easement?

A conservation easement is a legal document signed between a landowner and the Town which prohibits development of the land for a period of years (minimum of 15 years) and may include other provisions covering uses of the land. Conservation easements are required under the recently passed legislation for taxpayers to receive an exemption under NYS law, and must be approved by the Town Board, following the Conservation Easement Review Board's recommendation.

- Are there financial benefits to a Conservation Easement?

Yes. Once a parcel is placed in a Conservation Easement, the Town Assessor will reduce the assessment of the land by a certain percentage, depending upon the term of the easement commitment. Listed below is the commitment and exemption reduction:

15 – 29 year commitment	50% reduction
30 – 49 year commitment	75% reduction
50 – 75 year commitment	85% reduction
Perpetual commitment	90% reduction

- Are there a minimum number of acres that can be placed in a Conservation Easement?

Yes. The minimum number of acres one can place in a Conservation Easement is five.

- What uses are prohibited on land in a Conservation Easement?

Conservation easements prohibit residential, commercial, and industrial development of the land, and are not applied to land already developed. Similar to the Agricultural Assessment program, they will not apply to the homeowner's portion of a property. In addition, no permanent structures can be erected on the land covered by a conservation easement.

- What uses are permitted?

Activities necessary to preserve natural resources and encourage responsible agriculture and forestry are permitted, or as otherwise determined by the Conservation Easement Review Board.

Timber harvesting for commercial logging purposes is permitted, but only if the landowner retains the services of a qualified forester to prepare a forest management plan, which is to be submitted to the Conservation Easement Review Board prior to harvesting.

Cutting of trees for firewood to heat structures located on the property and/or on other property owned by the landowner is permitted. The landowner may remove trees that are diseased or dangerous, or identified by the NYSDEC as "invasive species" without a forest management plan. All forest management activities shall be carried out in accordance with sound forest management practices

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- Does granting a Conservation Easement give the general public access to the land?

No, but a landowner may permit public access and include as a condition in the conservation easement agreement.

- Does the Conservation Easement restrict my ability to sell, will or give my land in the future?

Land protected by a Conservation Easement can be sold, given or otherwise transferred at any time. Transfer of ownership does not affect the integrity or enforceability of the easement. Land owners can petition the Town Board to cancel the conservation easement agreement but must pay the penalty imposed.

- Can one's home be included in a Conservation Easement?

No. If you have a home on a parcel you would like to place in a Conservation Easement, the home and land surrounding the home are not included in the easement. The minimum lot size of the Zoning District in which the home is located, and the portion of the parcel that is currently used for yard space (i.e., shed, pool, patio, etc.) are excluded from the easement.

- Are penalties incurred if one decides to develop land in a Conservation Easement?

Yes. If the easement agreement is violated, the owner of the property must pay the Town of Bethlehem a penalty, depending upon how long the easement has been in effect. This also applies to County and School District taxes, if they participate in the program. Repayment of the abated taxes shall be equal to five times the taxes saved in the last year in which the land benefited from a conservation easement agreement exemption, plus interest of 6% per year compounded annually for each year in which an exemption was granted, not exceeding five years.

- What happens after the Town Board approves a conservation easement agreement?

The conservation easement agreement is to be executed by both the Town and landowner. The landowner will then file the conservation easement agreement with the Albany County Clerk's office at his/her expense. Proof of filing with the Albany County Clerk's Office shall be provided to the Town Assessor.

- If a conservation easement is awarded, does the landowner need to file any forms with the Town Assessor?

Yes. After the landowner files the executed conservation easement agreement with the Albany County Clerk's office, the landowner shall complete the NYS RP-491 Application for Conservation Easement Agreement Exemption; Certain Towns and submit to the Town Assessor prior to the March 1 taxable status date.